



## Senate

General Assembly

**File No. 300**

February Session, 2006

Substitute Senate Bill No. 463

*Senate, April 3, 2006*

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING FAMILY AND MEDICAL LEAVE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 5-248a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (a) For purposes of this section, "child" means a biological, adopted  
5 or foster child, stepchild, child of whom a person has legal  
6 guardianship or custody, or, in the alternative, a child of a person  
7 standing in loco parentis, who is (1) under eighteen years of age, or (2)  
8 eighteen years of age or older and incapable of self-care because of a  
9 mental or physical disability. Each permanent employee, as defined in  
10 subdivision [(21)] (20) of section 5-196, shall be entitled to the  
11 following: [(1)] (A) A maximum of twenty-four weeks of family leave  
12 of absence within any two-year period upon the birth or adoption of a  
13 child of such employee, or upon the serious illness of a child, spouse or  
14 parent of such employee; and [(2)] (B) a maximum of twenty-four

15 weeks of medical leave of absence within any two-year period upon  
16 the serious illness of such employee or in order for such employee to  
17 serve as an organ or bone marrow donor. Any such leave of absence  
18 shall be without pay. Upon the expiration of any such leave of absence,  
19 the employee shall be entitled [(A)] (i) to return to the employee's  
20 original job from which the leave of absence was provided or, if not  
21 available, to an equivalent position with equivalent pay, except that in  
22 the case of a medical leave, if the employee is medically unable to  
23 perform the employee's original job upon the expiration of such leave,  
24 the Personnel Division of the Department of Administrative Services  
25 shall endeavor to find other suitable work for such employee in state  
26 service, and [(B)] (ii) to all accumulated seniority, retirement, fringe  
27 benefit and other service credits the employee had at the  
28 commencement of such leave. Such service credits shall not accrue  
29 during the period of the leave of absence.

30 Sec. 2. Subdivision (11) of section 31-51kk of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective*  
32 *October 1, 2006*):

33 (11) "Son or daughter" means a biological, adopted or foster child,  
34 stepchild, legal ward, or, in the alternative, a child of a person standing  
35 in loco parentis, who is (A) under eighteen years of age; or (B) eighteen  
36 years of age or older and incapable of self-care because of a mental or  
37 physical disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	5-248a(a)
Sec. 2	<i>October 1, 2006</i>	31-51kk(11)

**LAB**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

This bill adds a definition for child in the state employee family and medical leave act (FMLA) and specifies leave for the illness of a non-biological child. This bill is not anticipated to have a fiscal impact as the Department of Administrative Services currently allows FMLA leave for the illness of non-biological children.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 463*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE.*****SUMMARY:**

This bill adds the following definition for “child” in the state employee family and medical leave act (FMLA): a biological, adopted, or foster child; stepchild; child of a person who has legal guardianship or custody; or child of a person standing in *loco parentis* (i.e., in place of a parent). The law already allows leave for the adoption of a child, but does not specify leave for the illness of a non-biological child (although, the Department of Administrative Services indicated that, in practice, leave is permitted for the illness of a non-biological child).

The bill also specifies that leave can be taken to care for a child (1) under age 18 or (2) over age 18 if he is incapable of caring for himself because of a mental or physical disability.

EFFECTIVE DATE: October 1, 2006

**BACKGROUND*****Related Bill***

sHB 5011 gives state employees who are foster parents up to four weeks leave to care for a foster child.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/16/2006)